IN THE HIGH COURT OF PUNJAB & HARYANA CHANDIGARH

Criminal Revision No.2318 OF 2006
Date of Decision: October 15, 2007

GEZO AND OTHRS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE A.N.JINDAL

Present: Mr. L.S.Goraya, Advocate,
for the petitioners.

Ms. Jatinderjit Kaur, Advocate,
for respondent No.2.

Mr. Satish Bhanot, Sr. DAG, Punjab.

A.N.JINDAL, J

This revision petition is directed against the order dated 10.07.2006 passed by Judicial Magistrate 1st Class Phillaur whereby the accused petitioners (hereinafter referred to as the petitioners) were summoned under Sections 494, 506, 120 B of the Indian Penal Code.

Jagir Singh, complainant is the father of the Balbir Kaur. Balbir Kaur was married to Chhinda on 23.04.1975. Out of their wedlock two daughters and a son were born, however, son died in an accident. Now after the said marriage Chhinda have contracted second marriage with Anju, petitioner No.5 at village Gag Sultan by way of Anand Karz on

25.08.2004. On filing of the complaint and on recording of the evidence, the Court found sufficient grounds for presumption that the petitioners had committed an offence and summoned them for the aforesaid offences.

Having perused the records of the case, it may be observed that at the initial stage of summoning, the Court need not delve deep into the merits of the case and find out if the petitioners could be acquitted or convicted on the basis of the evidence on the record but at that stage the Court is to make out from the complaint as well as the documents placed on record; if there are grounds to presume if they have prima facie committed an offence.

Having examined the records of the case it would be suffice to say that the petitioners have admitted first marriage whereas the complainant has submitted that second marriage was contracted by Chhinda by way of Anand Karz i.e. the custom prevailing in the community. As such, the order is short of any such defect or illegality warranting interference by this Court.

Consequently, finding no merit in the petition the same is hereby dismissed.

(A.N.JINDAL)
JUDGE

October 15, 2007
Ruchika

To be referred to reporter: Yes/No